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January 23, 2020

**VIA ECF**

Honorable Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

So ordered.

1-24-2020

Re: Bermudez v. Bon Secours Charity Health System, Inc. et al.  
Docket No. 19-cv-07836 (AKH)  
Our File #: NJ-21-3015

Dear Judge Hellerstein:

We represent the Plaintiff in this action, Sonny Bermudez. We write with regard to the Court's order granting Plaintiff leave to file an Amended Complaint. Due to an ECF technical error in filing the Amended Complaint, Plaintiff respectfully requests an extension of time in order to re-file the pleading.

On January 9, 2020, the Court entered an Order partially granting and partially denying the Defendants' motion to dismiss Plaintiff's Complaint [see ECF No. 23]. The order granted Plaintiff leave to file an Amended Complaint within ten (10) days of the Order, said deadline being Sunday, January 19, 2020.

Plaintiff timely filed an Amended Complaint on Friday, January 17, 2020, through ECF [see ECF No. 24]. On January 21, 2020, the Clerk of Court entered a note in the ECF docket advising that Plaintiff's counsel had filed the pleading with a technical error of the ECF system. Specifically, that Plaintiff had incorrectly selected the "All Defendant radio button" when filing the Amended Complaint. The Clerk further advised that due to the fact that the pleading must be re-filed after the due date established by the Court's January 9, 2020 Order, Plaintiff must be granted leave of the Court in order to do so. This motion constitutes that request.

Undersigned counsel would have filed this motion immediately upon the Clerk's entry of the ECF notice on January 21, 2020. However, I was unfortunately out of state due to a death in the family. However, Plaintiff asserts that no prejudice will inure to the Defendants by the Court's grant of this motion seeking additional time to file the Amended Complaint.

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In light of the foregoing, Plaintiff respectfully requests that the Court enter an Order extending Plaintiff's time to file the Amended Complaint by an additional three (3) days from the date of the Court's decision on this motion.

We appreciate Your Honor's time and courtesy in considering this request.

Respectfully submitted,

*/s/ Shaun M. Malone*

Shaun M. Malone

cc: All counsel via ECF